

LAW FIRM DIVERSITY REPORT CARD

HOUSTON – JANUARY 2007

presented by
Houston Multi-Bar Diversity Committee

a collaborative effort of the

Houston Lawyers Association
(African American Bar Association of Houston)

Hispanic Bar Association of Houston

Mexican American Bar Association of Houston

Asian American Bar Association of Houston

EXECUTIVE SUMMARY

In June 2006, the Houston Multi-Bar Diversity Committee (the “Committee”) formed—bringing together the Houston Lawyers Association, the Hispanic Bar Association of Houston, the Mexican American Bar Association of Houston, and the Asian American Bar Association of Houston—in order to evaluate the racial and ethnic make-up of Houston’s largest law firms. In furtherance of this purpose, in July 2006, the Committee surveyed 21 of the largest law firms in Houston (as identified in the 2005 Legal Almanac)¹ regarding, among other things, the number of minority attorneys at each of the respective firms. All 21 firms approached participated in the survey.² It is the response to these surveys that serve as the basis for this Law Firm Diversity Report Card (this “Report Card”).

The grading process used by the Committee in measuring each firm’s performance was based on a hundred (100) point scale. Each score was then converted to a standard letter grade between “A” through “F.” The closer a firm’s score was to a hundred (100), the higher the percentage of minority attorneys represented at the firm (with the percentage of certain subgroups of attorneys like partners being weighted more heavily than other subgroups like associates). The percentage of minority attorneys in the state of Texas was the primary, but not the sole, basis for the benchmarks used in assigning points. The Committee also used the percentage of minority attorneys in Harris County as a further basis for its benchmarks.

In addition to scores, this Report Card provides quantitative comparative data regarding attorney demographics at the 21 largest law firms in Houston. It should be noted that:

- Only 1 firm met or exceeded the state attorney demographics for each of three minority groups;
- Only 1 firm met or exceeded the state attorney demographics for the percentage of minority partners;
- Seventeen firms met or exceeded the state attorney demographics for the percentage of minority associates;
- Fourteen firms received a “C” grade or better; and
- Every firm surveyed had diversity initiatives and/or programs in place.

The Committee recognizes that measuring a law firm’s diversity by the racial and ethnic make-up of its attorneys is but one aspect of a complete measurement of diversity. Nevertheless, the Committee believes that diversity as reflected by the racial and ethnic minorities in a firm is a significant and important aspect to creating a culture of diversity and inclusion. The Committee intends to continue to survey law firms on an annual basis to keep track of trends, to report on progress, and to keep the dialogue on this important subject open.

A copy of this report is, or will, be available for download at the following web location:
www.houstonlawyersassociation.org

¹ *Texas Lawyer*, “The Top 100 Largest Firms in Texas,” published December 12, 2005.

² The Committee attaches an example of the Law Firm Survey as **Appendix A** to this report.

REPORT CARD

LAW FIRM	COMPOSITE SCORE	LETTER GRADE
Weil, Gotshal & Manges	100	A+
Winstead Sechrest & Minick	98	A+
Akin, Gump, Strauss, Hauer & Feld	88	B+
Mayer, Brown, Rowe & Maw	88	B+
Jackson Walker	86	B
Thompson & Knight	86	B
Haynes and Boone	83	B-
Chamberlain Hrdlicka	82	B-
Baker Botts	76	C
Locke Liddell & Sapp	76	C
King & Spalding	76	C
Baker & Hostetler	76	C
Vinson & Elkins	76	C
Gardere Wynne Sewell	76	C
Fulbright & Jaworski	66	D
Andrews Kurth	64	D
Howrey	64	D
Bracewell & Giuliani	62	D-
Jones Day	62	D-
Beirne, Maynard & Parsons	62	D-
Porter & Hedges	60	D-

Grading Scale:

- 90 or above = A (Excellent)
- 80 or above = B (Good)
- 70 or above = C (Fair – Needs Improvement)
- 60 or above = D (Unsatisfactory)
- Less than 60 = F (Failing)

BACKGROUND

The Report Card examined the representation of minority attorneys at 21 of the largest firms in Houston. The results were based on the responses provided to a survey distributed to each of the law firms listed herein.

I. COMMITTEE MEMBERS

The Committee is comprised of representatives from the Houston Lawyers Association (the African American Bar Association of Houston), the Hispanic Bar Association of Houston, the Mexican American Bar Association, and the Asian American Bar Association. The methodology employed in the Report Card was developed through a process of consensus of various representatives from each of the member bar organizations. The Committee's primary focus was on the racial and ethnic representation of minority attorneys at the largest law firms in Houston.

A. HOUSTON LAWYERS ASSOCIATION

The Houston Lawyers Association ("HLA"), the African American Bar Association of Houston, was founded in 1955 to address the particular needs of black lawyers and the legal needs of the black community in general. The organization represents the interests of over 1400 attorneys in the Houston area. HLA provides professional development, education and service programs for the legal profession, law students and the community who reside or work in Harris County and the surrounding areas. HLA is an affiliate chapter of the National Bar Association, the nation's largest national association of predominantly African American lawyers and judges, and is the host chapter for the National Bar Association 83rd Annual Convention on July 26 – August 3, 2008 in Houston. Please visit www.houstonlawyersassociation.org for more information regarding HLA.

HLA REPRESENTATIVES:

Latosha T. Lewis, President
Gardere Wynne Sewell LLP
University of Texas School of Law 2000

Linda Dunson, President Elect
The Law Offices of Linda Dunson
Thurgood Marshall School of Law 2001

Marlen Whitley, Member
Thompson & Knight
University of Texas School of Law 2001

James Goodwille Pierre, Immediate Past President
Houston Airport System
Manager, Small Bus. Dvlpt and Contract Compliance
South Texas College of Law 1999

B. HISPANIC BAR ASSOCIATION OF HOUSTON

Since its founding in 1988, the Hispanic Bar Association of Houston (“HISBA”) has been working for the advancement of Hispanics in the legal profession; promoting high standards of integrity, honor, and professional courtesy among lawyers; and cooperating with the other bar associations and community, legal and governmental organizations in furtherance of its missions and goals. As a leading voice in the Houston legal community, HISBA represents and promotes the growing impact of Hispanics in the practice of law and the community at large. Please visit www.hisbahouston.com for more information regarding HISBA.

HISBA REPRESENTATIVES: Michael P. Gomez, President
University of Houston Law Center 2000

Christian A. Garza, Vice President
King & Spalding LLP
Yale Law School 2001

C. MEXICAN AMERICAN BAR ASSOCIATION OF HOUSTON

The Mexican American Bar Association of Houston (“MABAH”) was founded in April of 1972 in a Northside Barrio to promote and discuss the legal remedies regarding the many injustices and problems facing the Latino community in Houston and throughout Texas. In 2007 MABAH enters its 34th year of service to Latino attorneys and, most importantly, to the Latino community through services such as Consejos Legales and “Leadership for Tomorrow.” It is the largest “Latino Law Firm” in Houston with a diversity of talent, expertise and leadership. Please visit www.mabah.org for more information regarding MABAH.

MABAH REPRESENTATIVE: James G. Rodriguez, President
Solar & Padilla L.L.P.
University of Houston School of Law 1996

D. ASIAN AMERICAN BAR ASSOCIATION OF HOUSTON

The Asian American Bar Association of Houston (“AABA”) is a voluntary organization of lawyers of Asian heritage or who have Asian American interests. Founded in 1984, the AABA’s membership reflects all aspects of Houston’s Asian American legal community. The AABA is an affiliate of the National Asian Pacific American Bar Association (NAPABA), which is the national association of and voice for Asian Pacific American (APA) attorneys, judges, law professors and law students, advocating for the legal needs and interests of the APA community. The AABA is dedicated to serving the Houston community and promoting diversity within the legal profession. Please visit www.aabahouston.com for more information regarding AABA.

AABA REPRESENTATIVES: Emily T. Kuo, President
Associate Counsel, Nabors Industries Ltd.
Harvard Law School 2000

Catherine Than, President Elect
Associate, Delgado Acosta Braden & Jones, P.C.
University of Miami School of Law 2000

Andrea E. Tran, 2006 President
Partner, Gilbreth Roebuck
University of Houston Law Center 2000

DEMOGRAPHICS AND DIVERSITY

On August 11, 2005, the US Census Bureau announced that Texas had become a “majority-minority” state.³ Based on its calculations, over 50% of the population in the state of Texas consisted of racial and ethnic minorities. This change had already happened in Houston, which in 2002 joined America’s three largest cities—New York, Los Angeles, and Chicago—as a “majority-minority” city.⁴ Despite this unprecedented population growth, minorities have remained widely underrepresented in the legal profession. The following table lists each racial and ethnic group and their respective percentage of the general population and of attorneys:

	% Texas Population ⁵	% Harris County Population ⁶	% Texas Attorneys (Population) ⁷	% Harris County Attorneys (Population) ⁸
Caucasian	49.2%	38.2%	86% (62,366)	84% (15,460)
African American	11.7%	18.4%	4% (2,979)	7% (1,245)
Hispanic/Latino	35.1%	37.5%	7% (5,040)	5% (904)
Asian American	3.3%	5.5%	2% (1,255)	3% (516)
Total Population	22.8 Million	3.69 Million	76,676	19,458

It is this significant disparity between the minority population at-large and the percentage of minority lawyers in Texas which provides the greatest concern.

³ <http://www.census.gov/Press-Release/www/releases/archives/population/005514.html>

⁴ <http://www.media.rice.edu/media/NewsBot.asp?MODE=VIEW&ID=2229&SnID=2>

⁵ <http://quickfacts.census.gov/qfd/states/48000.html>

⁶ <http://quickfacts.census.gov/qfd/states/48/48201.html>

⁷ Source: State Bar Membership Statistics, Department of Research and Analysis, Published May 23, 2006, which profiles active attorney members of the State Bar of Texas from as of December 31, 2005, attached as **Appendix B** to this report.

⁸ Source: State Bar Membership Statistics, Department of Research and Analysis, Published May 23, 2006, which profiles active attorney members of the State Bar of Texas from Harris County as of December 31, 2005, attached as **Appendix C** to this report.

That is not the only concern, however. There have been numerous articles concerning the fact that more and more large law firm clients are subject to the diversity demands of the community. In turn, those clients are requiring law firms to make an effort to meet these demands as well. As a result, the decision to make significant steps to increasing diversity is not only a good social choice, but a wise business decision as well.

METHODOLOGY

Based on the data collected from the survey, the Committee evaluated each firm in three main areas which was then converted into a set number of points. At the end of the process, each firm's score was based on the number of points each firm achieved on a hundred (100) point scale. The final score was then converted into a standard "A" through "F" grading formula.

The first part of the diversity evaluation involved taking a "weighted" average of the *percentage* of minority attorneys at each firm within three main subgroups: partners, associates/staff attorneys, and summer associates. These subgroups were weighted as follows: partners, sixty percent (60%); associates/staff attorneys, thirty-five percent (35%); and summer associates, five percent (5%). The resulting percentage—the weighted average—was then assigned a certain number of points.

At this stage, a firm could receive up to ninety (90) points based on a stair-step process. If the firm's weighted average exceeded a certain percentage benchmark then they would receive the corresponding amount of points. The steps on the stairs were as follows: if a firm's weighted average was greater than sixteen percent (16%), then it was assigned the complete ninety (90) points; if it was only greater than fourteen percent (14%), then it was assigned eighty (80) points; if it was only greater than twelve percent (12%), then it was assigned seventy-five (75) points; and if it was only greater than nine percent (9%), then it was assigned seventy (70) points. If a firm's weighted average fell below nine percent (9%), then it received sixty (60) points.

The weighted average of each firm's percentage of minority lawyers represents the overwhelming part of the resulting grade (up to 90 points). The Committee choose sixteen percent (16%) as its highest benchmark because it represents the total percentage of minority attorneys in Harris County, as opposed to the lower standard of fourteen percent (14%) for the state of Texas.⁹ In this initial part of the process, the Committee wanted to emphasize the importance of two things: (i) the percentage of minority partners at each firm and (ii) a benchmark of sixteen percent (16%) in order for any firm to procure an "A" in the grading process.

The second part of the evaluation was much simpler. The Committee assigned two (2) points each—with up to ten (10) points available—for certain "check-mark" items completed in the survey which the Committee believed were important for encouraging and maintaining diversity. The five items which received points on the survey were: (i) whether a firm participated in minority job fairs, (ii) whether a firm had a diversity committee, (iii) whether a

⁹ While African Americans, Hispanics, and Asians only add up to approximately 15%, the total percentage of all racial and ethnic minorities is 16%. In the case of the state of Texas, the corresponding number is 14%.

firm had minorities on its recruitment committee, (iv) whether a firm had a firm-wide diversity plan, and (v) whether a firm provided mentors to its minority attorneys. The Committee believed that some weight should be given to these items in the grading process to reward the efforts of firms in encouraging diversity.

The final part of the grading process involved certain adjustments (subtractions) which were made to the points acquired during the first and second parts of the evaluation. Based on the data provided, each firm lost two (2) points each—with a loss of up to six (6) points possible—for each minority subgroup where they failed to meet certain minimum benchmarks. The benchmarks were as follows: African Americans/Blacks, four percent (4%); Hispanics/Latinos, seven percent (7%); and Asian Americans, two percent (2%). These benchmarks were based on the percentage of each minority attorney subgroup in the State of Texas. After these adjustments were made, the resulting number represented the final score. Each score was then assigned a standard letter grade as follows:

Equal or Greater than 97 = A+

Equal or Greater than 94 = A

Equal or Greater than 90 = A-

Equal or Greater than 87 = B+

Equal or Greater than 84 = B

Equal or Greater than 80 = B-

Equal or Greater than 77 = C+

Equal or Greater than 74 = C

Equal or Greater than 70 = C-

Equal or Greater than 67 = D+

Equal or Greater than 64 = D

Equal or Greater than 60 = D-

Less than 60 = F

The Committee acknowledges that on some level any grading methodology will be arbitrary as certain cut-offs and benchmarks will have to be chosen in order to effectively stratify a data set and evaluate the performance of each firm. The Committee strived, however, to be reasonable and conscientious in its grading process. The foregoing methodology was thoroughly debated and the benchmarks were thoughtfully chosen based on the current state and county minority attorney demographics—which, as compared to the general population where minorities make up a majority of the population, are in and of themselves very low.

Notwithstanding the foregoing, the Committee welcomes your comments regarding our methodology. We want partners in the process of making the legal community more inclusive and diverse. We also look forward to working with the minority bar organizations in other cities throughout the state in order to help standardize the process further.

GENERAL SURVEY RESULTS

I. MINORITY PARTNERS

The chart below lists the total number of partners at each of the specified firms and the percentage of those partners that are minorities. The demographics of only one (1) firm met or exceeded Texas State Bar demographics for minority lawyers—14%.

LAW FIRM	TOTAL # OF PARTNERS	% MINORITY
Winstead Sechrest & Minick	46	17.4%
Thompson & Knight	56	12.5%
Akin, Gump, Strauss, Hauer & Feld	35	11.4%
Weil, Gotshal & Manges	10	10.0%
Chamberlain Hrdlicka	25	8.0%
King & Spalding	26	7.7%
Mayer, Brown, Rowe & Maw	26	7.7%
Haynes and Boone	53	7.5%
Baker Botts	102	6.9%
Beirne, Maynard & Parsons	46	6.5%
Baker & Hostetler	37	5.4%
Andrews Kurth	116	5.2%
Bracewell & Giuliani	103	4.9%
Gardere Wynne Sewell	61	4.9%
Porter & Hedges	42	4.8%
Jackson Walker	45	4.4%
Fulbright & Jaworski	128	3.9%
Locke Liddell & Sapp	79	3.8%
Vinson & Elkins	156	3.2%
Howrey	33	3%
Jones Day	13	0%

II. MINORITY ASSOCIATES/STAFF ATTORNEYS

The chart below lists the total number of associates (and staff attorneys) at each of the specified firms and the percentage of those associates (and staff attorneys) that are minorities. The demographics of seventeen (17) firms met or exceeded the Texas State Bar demographics for minority lawyers—14%.

LAW FIRM	TOTAL # OF ASSOCIATES	% MINORITY
Jackson Walker	19	31.6%
Weil, Gotshal & Manges	36	30.6%
Winstead Sechrest & Minick	31	29.0%
Mayer, Brown, Rowe & Maw	41	24.4%
Gardere Wynne Sewell	29	24.1%
Chamberlain Hrdlicka	21	23.8%
Locke Liddell & Sapp	66	22.7%
Haynes and Boone	58	22.4%
Vinson & Elkins	153	19.0%
Akin, Gump, Strauss, Hauer & Feld	53	18.9%
Baker & Hostetler	32	18.8%
Jones Day	34	17.6%
Thompson & Knight	52	17.3%
Howrey	37	16.2%
King & Spalding	54	14.8%
Fulbright & Jaworski	167	14.4%
Bracewell & Giuliani	85	14.1%
Beirne, Maynard & Parsons	30	13.3%
Andrews Kurth	101	11.9%
Porter & Hedges	46	10.9%
Baker Botts	151	10.6%

III. MINORITY SUMMER ASSOCIATES

The chart below lists the total number of summer associates at each of the specified firms and the percentage of those summer associates that are minorities. Since summer associates clerk at two or more law firms over the course of a summer, we do not necessarily believe these numbers are instructive.

LAW FIRM	TOTAL # OF LAW CLERKS	% MINORITY
Jackson Walker	8	62.5%
Winstead Sechrest & Minick	12	58.3%
Baker & Hostetler	6	50.0%
Chamberlain Hrdlicka	6	50.0%
Thompson & Knight	8	50.0%
Mayer, Brown, Rowe & Maw	13	46.2%
Vinson & Elkins	72	33.3%
Weil, Gotshal & Manges	12	33.3%
Howrey	9	33.3%
Baker Botts	69	30.4%
Gardere Wynne Sewell	10	30.0%
Fulbright & Jaworski	64	28.1%
Locke Liddell & Sapp	37	27.0%
Haynes and Boone	19	21.1%
Akin, Gump, Strauss, Hauer & Feld	10	20.0%
Andrews Kurth	31	16.1%
Bracewell & Giuliani	45	15.6%
Jones Day	13	15.4%
Beirne, Maynard & Parsons	5	0%
King & Spalding	12	0%
Porter & Hedges	9	0%

IV. AFRICAN AMERICAN/BLACK ATTORNEYS

The chart below lists the percentage of African American/Black attorneys at each of the specified firms. The demographics of seven (7) surveyed firms met or exceeded the Texas State Bar lawyer demographics for African American/Blacks—4%.

LAW FIRM	% AFRICAN AMERICAN
Akin, Gump, Strauss, Hauer & Feld	9.1%
Winstead Sechrest & Minick	9.1%
Weil, Gotshal & Manges	8.7%
Thompson & Knight	6.5%
Jackson Walker	6.3%
Haynes and Boone	5.4%
Bracewell & Giuliani	4.8%
Beirne, Maynard & Parsons	3.9%
Vinson & Elkins	3.9%
Fulbright & Jaworski	3.4%
Locke Liddell & Sapp	3.4%
Chamberlain Hrdlicka	3.2%
Baker & Hostetler	3.1%
Howrey	2.9%
Porter & Hedges	2.3%
Andrews Kurth	2.3%
Gardere Wynne Sewell	2.2%
Jones Day	2.1%
Baker Botts	2.0%
Mayer, Brown, Rowe & Maw	1.5%
King & Spalding	1.3%

V. HISPANIC/ LATINO ATTORNEYS

The chart below lists the percentage of Hispanic/Latino attorneys at each of the specified firms. The demographics of four (4) surveyed firms met or exceeded the Texas State Bar attorney demographics for Hispanic/Latinos—7%.

LAW FIRM	% HISPANIC/LATINO
King & Spalding	11.3%
Weil, Gotshal & Manges	10.9%
Haynes and Boone	8.1%
Mayer, Brown, Rowe & Maw	7.5%
Gardere Wynne Sewell	6.7%
Winstead Sechrest & Minick	6.5%
Beirne, Maynard & Parsons	5.3%
Baker Botts	4.7%
Thompson & Knight	4.6%
Baker & Hostetler	4.6%
Vinson & Elkins	3.9%
Fulbright & Jaworski	3.4%
Locke Liddell & Sapp	3.4%
Bracewell & Giuliani	3.2%
Jackson Walker	3.1%
Akin, Gump, Strauss, Hauer & Feld	2.3%
Porter & Hedges	2.3%
Jones Day	2.1%
Andrews Kurth	1.8%
Chamberlain Hrdlicka	1.1%
Howrey	0%

VI. ASIAN AMERICAN ATTORNEYS

The chart below lists the percentage of Asian American attorneys at each of the specified firms. The demographics of sixteen (16) surveyed firms met or exceeded the Texas State Bar demographics for Asian Americans—2%.

LAW FIRM	% ASIAN AMERICAN
Mayer, Brown, Rowe & Maw	9.0%
Jones Day	8.5%
Weil, Gotshal & Manges	6.5%
Locke Liddell & Sapp	5.5%
Baker & Hostetler	4.6%
Akin, Gump, Strauss, Hauer & Feld	4.5%
Winstead Sechrest & Minick	3.9%
Andrews Kurth	3.7%
Porter & Hedges	3.4%
Jackson Walker	3.1%
Vinson & Elkins	2.9%
Howrey	2.9%
Fulbright & Jaworski	2.7%
Baker Botts	2.4%
Gardere Wynne Sewell	2.2%
Chamberlain Hrdlicka	2.1%
Thompson & Knight	1.9%
Haynes and Boone	1.8%
Bracewell & Giuliani	1.1%
Beirne, Maynard & Parsons	0%
King & Spalding	0%

CONCLUSION

This initial 2006 Houston Law Firm Diversity Report Card is designed to encourage firms to scrutinize their efforts to create and sustain more inclusive firm cultures. However, despite various initiatives, policies and strategies designed to enhance their diversity profiles, only 6 of the 21 firms scored a B or higher. The Committee acknowledges the obstacles associated with increasing minority hiring, retention and promotion, and we challenge law firms to embrace the reality that much more can be done. We applaud each participating firm for taking a step toward facing these challenges by cooperating with the Committee to complete this Report Card. The Committee will continue to annually assess trends in attorney recruitment, retention and promotion in the Harris County legal market.